

Message Text

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ORIGIN ARA-06

INFO OCT-01 SS-14 ISO-00 L-01 SSO-00 NSCE-00 NSC-05 EB-03

INR-05 SP-02 INRE-00 /037 R

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FM SECSTATE WASHDC

TO AMEMBASSY TEGUCIGALPA IMMEDIATE

C O N F I D E N T I A L STATE 087583

LIMDIS

E.O. 11652: GDS

TAGS: BBAK, HO

SUBJECT: UB PAYMENTS - INVESTIGATING COMMISSION

FOR THE AMBASSADOR

1. THE FOLLOWING IS DEPARTMENT GUIDANCE IN THE EVENT THAT THE COMMISSION INVESTIGATING ALLEGATIONS OF PAYMENTS BY UNITED BRANDS TO HIGH-LEVEL HONDURAN OFFICIALS SHOULD REQUEST YOUR TESTIMONY.

2. IF POSSIBLE TO DO SO WITHOUT DETRACTING FROM THE POSTURE OF OPENNESS AND COOPERATION WE WISH TO MAINTAIN WITH THE GOHINVESTIGATION OF THIS MATTER YOU SHOULD SEEK TO AVOID TESTIFYING. THIS MIGHT BE DONE, IN THE FIRST INSTANCE, BY ADVISING THE COMMISSION, SHOULD THEY REQUEST AN INTERVIEW WITH YOU, THAT YOU HAVE NO REPEAT NO INDEPENDENT INFORMATION ON THIS MATTER AND THAT YOU ONLY FOUND OUT ABOUT IT THROUGH MESSAGES FROM WASHINGTON ALERTING YOU TO THE PROBABILITY THAT STORY WAS ABOUT TO BREAK.

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YOU MIGHT THUS MAKE THE SUGGESTION THAT, SINCE THE COMMIS-

SION IS COMING TO THE UNITED STATES TO INTERVIEW OFFICIALS

OF UNITED BRANDS AND THE DEPARTMENT, YOU CAN ADD NOTHING TO THE INFORMATION AVAILABLE TO THEM FROM THOSE SOURCES. AT THE VERY LEAST, YOU MIGHT SUGGEST THE COMMISSION WOULD BE BETTER ADVISED TO TALK TO UB AND THE DEPARTMENT PRIOR TO ANY INTERVIEW WITH YOU.

3. IN ANY EVENT YOU SHOULD MAINTAIN THE PRINCIPLE OF DIPLOMATIC IMMUNITY BY, INTER ALIA, REFUSING TO APPEAR IN ANSWER TO A FORMAL SUMMONS AND REFUSING TO GIVE SWORN TESTIMONY. HOWEVER, WE GATHER FROM RECENT EMBASSY DISPATCHES THAT THE COMMISSION IS AWARE OF THE PROBLEMS POSED BY DIPLOMATIC IMMUNITY AND IS NOT INCLINED TO CONFRONT YOU ON THIS ISSUE. THUS, WE ASSUME THAT ANY ATTEMPT TO INTERVIEW YOU WOULD NOT BE IN THE FORM OF A FORMAL TAKING OF TESTIMONY. IF, NOTWITHSTANDING THE ABOVE, THE COMMISSION SHOULD PRESS FOR SOME SORT OF AN INTERVIEW, AND SHOULD YOU FEEL YOUR FAILURE TO COOPERATE MIGHT GIVE RISE TO SUSPICIONS THAT THE EMBASSY HAS SOMETHING TO HIDE, OR OTHERWISE THREATEN TO RAISE THE FALSE ISSUE OF USG WILLINGNESS TO COOPERATE WITH THE GOH IN THIS INVESTIGATION, YOU SHOULD SUGGEST YOUR WILLINGNESS TO DISCUSS WHAT YOU HAVE BEEN TOLD IN AN INFORMAL SETTING (THIS MIGHT BE YOUR RESIDENCE) WITH THE MEMBERS OF THE COMMISSION AS INDIVIDUALS RATHER THAN IN THEIR OFFICIAL CAPACITY. THIS FICTION IS SUGGESTED AS ONE WHICH WOULD PRESERVE THE PRINCIPLE OF DIPLOMATIC IMMUNITY WHILE PERMITTING YOU TO BE AS COOPERATIVE AS POSSIBLE WITH THE COMMISSION.

4. SHOULD SUCH AN INTERVIEW BE SUGGESTED, PLEASE ADVISE US IMMEDIATELY SO THAT WE MAY SEND YOU FURTHER GUIDANCE WITH RESPECT TO ANY MATTERS (SHOULD A REVIEW CURRENTLY UNDERWAY REVEAL SUCH) WHICH CANNOT BE DISCUSSED WITH THE COMMISSION UNDER RELEVANT U.S. STATUTES OR POLICIES REGARDING CONFIDENTIALITY OF INFORMATION RECEIVED FROM OTHER SOURCES. KISSINGER

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 16 APR 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE087583
Document Source: CORE
Document Unique ID: 00
Drafter: DLAZAR:PW
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750133-0765
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750444/aaaabpfx.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 09 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 SEP 2003 by KelleyW0>; APPROVED <05 NOV 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UB PAYMENTS - INVESTIGATING COMMISSION FOR THE AMBASSADOR
TAGS: BBAK, HO
To: TEGUCIGALPA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006